

Remarks/Arguments:

A typographical error has been corrected in claim 129. The amendment is not made for purposes of patentability.

Claims 114-117, 120-126 and 129 were rejected under 35 U. S. C. 102(b) as being anticipated by Syrinek (5009079). Syrinek states (col. 5, lines 29-40, that the concentration of viscosifier is at least 0.5, 10, or 20 gpt. The examples are all from 10 to 40 gpt except for the last lines in table VII, where the amount is up to 100 gpt. Example 1 of Syrinek describes preparation of a composition from 73.02 parts tallow amine (average MW 263.6, so 0.277 moles), 24.42 parts ethylene oxide (MW 44, so 0.555 moles), and 2.56 parts chloroacetic acid (MW 59 not counting the Cl, so 0.277 moles). The product is described as being 90 mole % bis(ethoxy)tallow amine (MW 351.6) and 10 mole % of the betaine (MW 410.6) of this material made from condensation with the chloroacetic acid. The product is therefore 87.65 parts bis(ethoxy)tallow amine and 11.37 parts betaine (the rest is Cl). This product is therefore 11.37 weight % betaine. The highest concentration of betaine used in any example in Syrinek is therefore in Example 10, in which, as shown in the last line of Table VIII, 100 gpt of a viscosifier containing 25.87 parts of the material of Example 1 is used. That concentration of betaine is therefore only $(100/1000) \times 0.2587 \times 11.37 = 0.294$ weight %, well below the concentration of amphoteric or zwitterionic surfactant of the present invention. Syrinek does not discuss viscoelasticity, only viscosity; it is not apparent that the fluids of Syrinek would be viscoelastic. The

limitation of the present invention of claim 115, that the surfactant is present in an amount of from about 0.5% to about 6%, has been added to claim 114, and claim 115 has been cancelled. The amended claims are not, therefore, anticipated by Syrinek.

Claims 114, 138, and 141-143 were rejected under 35 U. S. C 103(a) as being unpatentable over Syrinek (5009079) in view of Bonekamp (5258137). Syrinek does not teach a method that can be modified in light of the teachings of Bonekamp to produce the amended claims of the present invention.

Claims 114-137 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U. S. Patent 6703352. A terminal Disclaimer is provided.

Claims 114, 131, 134, 138-140, and 143-145 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U. S. Patent 6703352 in view of Bonekamp. A terminal Disclaimer is provided.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should any additional fees be due, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 04-1579 (56.0555CN2).

Respectfully submitted,



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